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name may acquire a secondary significance, as in the present case, and instead of merely standing for the place where the goods are manufactured, it may become a mark denoting the manufactured goods themselves. In such cases equity will enjoin the indiscriminate use of the word by others engaged in the same business, it being in fact a false representation to the public that the goods sold are the plaintiff's make.

TRUSTS — INSOLVENCY OF TRUSTEE — PREFERENCE OF CESTUI. — A trustee deposited trust funds in his own name in a bank with money of his own. The trustee and bank both failed. *Held*, that the *cestui que trust* is not entitled to a preference over the other creditors of the trustee for the amount of the trust fund. *Shute v. Hinman*, 56 Pac. Rep. 412 (Oreg.).

If a trustee becomes insolvent, having misappropriated the trust fund, the *cestui* is entitled to a preference over the other creditors only if he shows that the assets of the bankrupt have been increased by the misapplication of the fund, and then only to the amount of such increase. *Harrison v. Smith*, 83 Mo. 210; *Ellicott v. Brown*, 31 Kan. 170. When it has been so proved, it would be clearly inequitable for the other creditors to derive any advantage from such increase, while, if the assets have not been increased, it would be equally unjust to give the *cestui* a preference. *Cavin v. Gleason*, 105 N. Y. 256. The present case is undoubtedly correct. By the reason of the failure of the bank it is evident that the assets of the bankrupt trustee were not increased by the full amount of the trust fund, and it does not appear that the plaintiff had shown to what amount, if any, the assets had been increased.

REVIEWS.

THE LAW OF PARTNERSHIP, INCLUDING LIMITED PARTNERSHIPS. — By Francis M. Burdick, Dwight Professor of Law in Columbia University School of Law. Boston: Little, Brown & Co. 1899. pp. lii, 422.

The merchants continue in their book-keeping and in other ways to treat the firm as an entity, while the lawyers and the courts continue the effort to bring this mercantile relation into conformity with the principles of the common law relating to joint ownership and joint liability.

But consistent enforcement of those principles is so incompatible with the nature of partnership that the recognition of the firm as an entity is unconsciously made in many cases in which the decision is reconcilable with no other view of partnership than that adopted by the mercantile world. A few courts are bold enough to speak of the firm as an entity, but others, while shrinking with horror from the use of the word "entity," compromise with their scruples by describing a partnership as "a concern" — *Bailey v. Hornthal*, 154 N. Y. 648, 659 — or as an "entirety." *Bratt v. McGuinness*, 53 N. E. 380 (Mass.).

Professor Burdick does not attempt a solution of the problem, but he states concisely and clearly the different views. His book is a valuable addition to existing works on partnership. *Lindley on Partnership*, *Bates on Partnership*, *Beale's Edition of Parsons on Partnership*, and *Story's treatise with the notes by Gray and by Wharton* are more useful to the practitioner than to the young student, although of service to the latter also. The last edition of *Pollock on Partnership*, a less elaborate work, is only a commentary on the Partnership Act of 1890 with illustrative cases.

Professor Burdick's book is the only short American work on the subject, and it is a pleasure to find it so admirably adapted to the purpose for which it was written, if that purpose can be accomplished by the use of any text-book. The principles, as found in the decisions, are clearly stated and the cases cited are well chosen.

But in our opinion it will be a hard, dry task to learn the law of Partnership by the study of even so well written a book as Professor Burdick's.

Taken up after the student has studied selected cases for six or eight months the book will prove to be both entertaining and informing. The principles extracted from the cases and stated by Professor Burdick will be recognized as old friends and the pleasure in the recognition will stimulate to further investigation. Used in this way for purposes of review we think the book will be of great value and interest to the student.

It is to be hoped that in any future edition the method of referring to other parts of the book will be changed. The references are to chapters and sections, and it is puzzling and disconcerting to be obliged to turn to the table of contents to find the page where the section begins and then to discover that the sections often cover several pages.

J. D. B.

THE ANNOTATED CORPORATION LAWS OF ALL THE STATES. — In three volumes. Compiled and edited by Robert C. Cumming, Frank B. Gilbert and Henry L. Woodward. Albany: J. B. Lyon Co. 1899.

This work is practically a cyclopædia of the statutes in all the States regarding corporations. The statutes of Alabama in regard to corporations are reprinted in the order in which they appear in the official edition of the statutes; accompanying each section of the statute is a list of headnotes of all the cases which have explained it; at the end an index of the subjects of the statutory provisions. The corporation law is thus taken up for each State in turn. There are no indexes of cases and no general index of topics. The work does not confine itself to the corporation statutes merely, but deals with the kindred subjects, receiverships, practice, liability of officers of corporations, etc., — on the other hand it does not take up the special statute for special corporations. Yet without this the scope of the labor is gigantic.

It does not mean to compete with the corporation text-books — there is not a word of comment in the volumes — but to supplement them. It will give a workable, first-hand knowledge of the law of corporations and, — barring the questions of federal jurisdiction, — of all the law regarding them. Its value obviously will depend on its thoroughness and accuracy, and that is just where it is hardest to judge it. The important cases of the last few years are all included, the headnotes are brief and clear and seem accurate, the indexes complete; in all there is every reason to suppose that the work will prove of great practical value.

J. P. C. JR.

BOOKS RECEIVED.

[Entry under this head does not preclude further notice of a book in this or in a later number of the Review.]

AMERICAN PRACTICE REPORTS. Editor-in-Chief, Charles A. Ray. Washington: Washington Law Book Co. 1899.
ANNOTATED CORPORATION LAWS. Compiled and edited by Robert C. Cumming, Frank B. Gilbert, and Henry L. Woodward. Albany: J. B. Lyon & Co. 1899.
GENERAL DIGEST: AMERICAN AND ENGLISH, ANNOTATED. Vol. VI., New

Series. Rochester, N. Y.: Lawyers Co-operative Publishing Co. 1899.
INTERNATIONAL COURTS OF ARBITRATION. By Thomas Balch. Philadelphia: Henry T. Coates & Co. 1899.

THE JOURNAL OF THE SOCIETY OF COMPARATIVE LEGISLATION. Edited by John MacDonnell. London: John Murray. 1899.